

**Limited English Proficiency (LEP) Plan
for
The Department of Workforce Development (DWD), Division of Workforce Solutions (DWS)**

January 1, 2006

Signature

 12/20/05
Bill Clingan
Division Administrator

Date

Signature

 12-20-05
Diane Griffin
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Date

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I. Purpose of the Division Limited English Proficiency (LEP) Plan

This Plan provides a vehicle for DWS to:

- A. Communicate Department and Division LEP Policies;
- B. Designate a DWS LEP Coordinator and back-up coordinator;
- C. Describe expectations for program delivery that meets requirements for language access;
- D. Identify methods being used by DWS to address language access needs; and
- E. Describe current and planned activities in support of language access.

This plan's major elements are incorporated into the DWS Civil Rights Compliance Plan required by reference **I** above, which is shared with federal funding agencies.

II. Department and Division LEP Policies

- A. Department of Workforce Development LEP Policy:** It is the policy of the Department of Workforce Development (DWD) to provide meaningful access to, and information about, all programs and services made available by the Department, to any individual in need of and qualifying for, department programs and services at no cost to the customer. The Department will ensure access to services or programs to LEP individuals by providing program information in alternate languages and formats, which may include, but may not be limited to providing interpreters, or translation, as necessary.

Each DWD division is responsible for creating LEP procedures based on this policy that is reflective of its specific programs, services, and customers. This document outlines how the Division of Workforce Solutions (DWS) will meet its LEP obligations required by department policy and applicable Civil Rights legislation. DWS uses the term Civil Rights Compliance to mean programs for equal opportunity, affirmative action and for services to persons with limited English proficiency.

- B. Division of Workforce Solutions LEP Policy:** The Division of Workforce Solutions (DWS) Limited English Proficiency (LEP) Policy supports DWD department LEP policy. The DWS is committed to providing equal opportunity in all DWS programs and services to enable full compliance with Civil Rights laws, including provision of language access services for persons with limited English proficiency as follows:

Customers with LEP will receive timely oral interpretation or access to translated written materials at no cost to them

DWS program grantees and contractors are subject to full compliance with civil rights laws and are responsible for similar full compliance of their sub-grantees and sub-contractors.

III. Responsibility for the DWS LEP Plan

The Bureau of Division-Wide Services (BDS), of the Division for Workforce Solutions (DWS) has been designated by the Division Administrator as the lead Bureau with primary responsibility for developing and implementing the Limited English Proficiency Plan of the Division. The lead staff are as follows;

DWS LEP Coordinator: Dian Griffin
Section Chief, Program Operations Section, BDS

DWS Back-Up LEP Coordinator: William Franks
Equal Opportunity Specialist, Program Operations Section, BDS

All Bureaus within DWS have a responsibility to contribute in the development and implementation of language access services and procedures and to assure compliance with the LEP Plan.

The organizational structure of DWS and information the service/program areas that the Division administers can be found at the DWS site: <http://dwd.wisconsin.gov/dws/division.htm>.

Administrator's Office	(608) 266-6824	Bill Clingan, Division Administrator
Apprenticeship Standards	(608) 266-3133	Karen Morgan, Director
Child Support	(608) 267-8978	Susan Pfeiffer, Director
Division-Wide Services	(608) 266-6721	Joan E. Larson, Director
Job Service	(608) 267-7514	Brian Solomon, Director
Migrant, Refugee & Labor Services	(608) 266-0002	Sue Levy, Acting Director
W-2	(608) 266-7160	Nancy Buckwalter, Director
Workforce Information	(608) 266-8212	Sandra Breitborde, Director
Workforce Programs	(608) 267-9704	Connie Colussy, Director
Office of Economic Initiatives	(608) 266-0522	Sue Gleason, Director

IV. DWS Division Mission and Overview

The Division's mission is to provide a seamless continuum of services that will be accessed by employers, members of the workforce with the following results:

- Employers have the workforce they need;
- Individuals and families can achieve economic self-sufficiency by accessing quality support services, making sound employment decisions, and maximizing their potential in the workforce;
- All children have the financial support they need from both parents.

Assuring full participation in the workforce is important in the accomplishment of this mission. Removing barriers that may exist because of language issues is one way to enhance participation in the workforce and in the programs that DWS administers. The Division is involved in both direct services to program applicants and participants and in the oversight and monitoring of local agencies providing direct services.

- Key programs administered by the Division include: Apprenticeship, child support, child care, Wisconsin Works (W-2) and related programs, migrant and refugee services, programs provided under the Workforce Investment Act and Wagner Peyser funding and associated activities.
- Key services provided by the division included: the administration of Wisconsin's Job Center Network, state labor market information and public assistance collections and

economic development and implementation of statewide program services and economic initiatives, and research and statistical analyses of program outcomes.

V. Legal Requirements for LEP Services in DWS Programs

Federal and State laws and program regulations that guide DWS programs provide the legal requirements for Civil Rights Compliance, including requirements for equal opportunity, affirmative action, and services to LEP persons. The following are the federal agencies that guide key DWS-administered programs:

Federal Agencies	Key DWS-Administered Programs
The U.S. Department of Health and Human Services	Child Support Enforcement, Child Care, W-2 and Refugee Services
The U.S. Department of Agriculture	Food Share Employment and Training Program—DWD administers this program under a Memorandum of Understanding (MOU) with the Wisconsin Department of Health and Family Services.
The U.S. Department of Labor	Veterans and Migrant Services; Youth, Adult and Dislocated Worker programs under the Workforce Investment Act and public employment services under Wagner-Peyser funds.

Oversight of Requirements

- DWS develops and administers the Civil Rights Compliance (CRC) Plan requirements for programs funded under the U.S. Department of Health and Human Services. These requirements are developed in collaboration with the Wisconsin Department of Health and Human Services (DHSS) because many of the same agencies that receive federal funding from DWS also receive funding from DHSS. DWS and DHSS review and approve the CRC Plans of funded agencies. They also jointly develop and conduct training and coordinate monitoring activities. DWS Administrator's Memo ADM 04-02 issued the CRC Plan requirements for 01/01/04-12/31/06. These can be viewed by visiting DWS internet site: DWD and DHFS Civil Rights Compliance Plan Requirements for 01/01/04-12/31/06 at <http://dwd.wisconsin.gov/dws/adminmemos/pdf/2004/04002.pdf>. This link identifies DWS Civil Rights and LEP compliance requirements for its multiple programs, grantees, and contractors based on federal program requirements for programs funded from the U.S. Department of Health and Human Services.
- DWS also develops and updates the State's Methods of Administration (MOA) for the Workforce Investment Act (WIA) programs funded under the U.S. Department of Labor. The regulations that implement the nondiscrimination and equal opportunity provisions of WIA require that each Governor establish and adhere to a MOA for his/her State programs. The MOA describes the actions an individual State will take to ensure its WIA Title I-financially assisted programs, activities, and recipients are complying, and will continue to comply, with the nondiscrimination and equal opportunity requirements of WIA and its implementing regulations. Compliance with DWS LEP Plan is included in the MOA.

VI. Identifying DWS Customer Groups and Language Profiles

The Division used US Census 2000 data for Wisconsin as a starting point for the identification of populations that may have limited English proficiency. In addition, the Department of Public Instruction collects data on students and their ability to understand English and extrapolations are made concerning parents of school age children. In Wisconsin as a whole, Spanish and Hmong languages have been identified as significant LEP portions of the population statewide. In addition,

some individual counties can have significant minority populations with other language needs (e.g., Russian, Bosnian, Serbian, Croatian, Somali, etc.). The Plan Requirements previously referenced Admin Memo ADAM 04-02 provide compliance requirements to DWS contractors/grantees on how to address and better serve local LEP populations. A direct link to LEP population demographic data for Wisconsin counties and LEP contract guidance can also be viewed at: http://dwd.wisconsin.gov/dws/civil_rights/plans_instructions.htm.

VII. Activities Supporting DWS LEP Policy and Commitment

DWS provides an array of activities and initiatives to support the commitment to the DWS LEP Policy. These are provided as follows:

A. DWS Civil Rights Committee

The Civil Rights Compliance Committee is an advisory group made up of representatives from the DWS Bureaus to help address Civil Rights issues of compliance for the Division's federal financial assistance programs and Civil Rights (e.g. Affirmative Action, Equal Opportunity and LEP) regulations and requirements. The group meets on a monthly basis and addresses both policy and implementation issues, including reviewing and making recommendations for changes to the DWS LEP Plan. Committee members represent the division's bureaus and bring a variety of experiences and perspectives to the workgroup. Committee members and minutes of the meetings are maintained on an internal DWD work-web site. This committee is chaired by the DWS LEP Coordinator or the DWS Back-Up LEP Coordinator.

B. Language Translation and Interpretation

- **DWS Interactive Voice Response (IVR) System:** DWS provides service program information about DWS programs and services to customers by phone through an interactive voice response system. A caller is provided an opportunity at the beginning of the call to identify himself or herself as a Spanish or Hmong speaker. Once that identification is made, the operator connects with the DWD telephone interpretation service to determine what information the customer is seeking. Due to low usage and high costs, DWS is also exploring other methods of providing call-in customers with basic information about DWS programs and services in multiple languages.
- **Identification and Translation of Vital Program Documents:** DWS will provide for translation of all written materials for each LEP group that represents 10% or 3,000 (whichever is less) of the eligible populations. Vital documents are those documents, paper or electronic, that contain critical information for accessing adjusting or eliminating services or benefits or is a document required by law. Therefore, vital documents will be translated for each LEP group that represents 5% or 1,000 (whichever is less) of the eligible population.

The BDS Civil Rights Unit is responsible for updating the DWS Inventory of Vital Documents on a periodic basis. Updates are posted at the DWS LEP web site: <http://dwdworkweb/dws/lep/default.htm>, which show the number of vital documents, the number of documents translated into Spanish and Hmong, plus some documents that have been translated into other languages. Currently, there were 241 vital program documents translated in DWS. Of those, 174 have been translated into Spanish and 160 have been translated into Hmong. Other languages into which some DWS documents have been translated include Albanian, Bosnian/Serbian/Croatian, Cambodian, Hmong, Laotian, Russian, and Vietnamese. The projected date for having DWS caught up with translation of all vital documents is June 30, 2006. Each Bureau may also translate documents that are not considered vital documents, as desired. The DWS Civil Rights Compliance Workgroup

recommends that a minimum of 5 documents be translated per bureau per month until the backlog is addressed.

- **Computer Notices and LEP Information Posting:** When a Client Reemployment and Economic Support (CARES) computer system program notice cannot be provided in Spanish or Hmong and affects benefits or services, that notice must be provided in the appropriate major language group served which indicates how to obtain a translation of the notice, in the secondary language.

DWS and all contract agencies providing direct customer service will ensure that written language access rights are distributed in the two primary languages (e.g. Spanish and Hmong) through posting of signs in public gathering areas, customer orientations, statements in appeal notices, and statements in program information brochures, booklets, etc. routinely distributed to the public. Language access statements shall inform LEP clients of the right to interpreter services at no cost to them, the right not to use relatives or friends as interpreters, and the right to file a grievance about LEP services provided to them. DWS and contract agencies providing direct services to LEP customers are required to post information on the Equal Opportunity Policy and the Discrimination Complaint Process in public areas in major LEP languages, including local points of contact.

- **Contracted Telephone Interpretation:** DWD currently has a contract with Certified Languages International (CLI) to provide oral translation in the language of the caller to English via telephone <http://www.certifiedlanguages.com/>. The contract requires that the vendor provide translation in the following 13 languages at a minimum - Spanish, Hmong, Albanian, Russian, Polish, Bosnian/Croatian/Serbian, Burmese, German, Laotian, Somaliga, Thai, Tibetan, and Vietnamese. Interpreters must be available 24 hours a day, 7 days a week. DWS grantees and contract agencies are encouraged to subscribe to this translator system through the State's related vendor system at lower State rates to assist their customers with verbal translation services. Contact the DWD Purchasing Agent at (608) 267-3394 for further information on this service.
- **Contracted Written Translation Services:** DWD obtains written translation of documents through various vendors under contract with the Department. Vendors are selected under a competitive bidding process for a two year period with two optional yearly renewals possible in each contract. As of December 20, 2004, ten vendors were included in the translation service State bulletin, which covers services of original translation plus proof-only work and layout. Price differs by turn-around time requested and by length of document. In total, these vendors provide written translation services for 55 different languages.
- **Contract Agency Interpretation Services:** DWS program contract agencies are required to provide LEP customers with an oral interpreter in a timely manner when needed for service delivery. These resources will be made available to local contact agency staff to assist them with their LEP customers.
- **Use of Family, Friends, and Minors as Interpreters:** DWS requires that minor children cannot to be used as interpreters. Adult family members or friends of an applicant/participant may serve as translators/interpreters only after:
 - the agency/provider informs the person with limited English proficiency of the right to free interpreter services;
 - the person declines such services and requests the use of a family member or friend; and,
 - the agency determines the use of such a person would not compromise the effectiveness of services or violate the confidentiality of the person with limited English proficiency.

When using a family member/friend, agencies/providers should:

- document the use of a family member/friend and place in the LEP person's file; and
 - Have a trained interpreter sit in on the encounter when possible to ensure accurate interpretation.
- **Bilingual DWD Staff:** DWS Division will assess vacancies that occur during the timeframe of this plan, to determine the need for filling those vacancies with staff that possess bilingual skills. The Division will target positions in parts of Wisconsin where the concentration of Spanish and Hmong target populations indicate the most need for bilingual staff, to better serve LEP customers. The Division will implement these changes with current or projected funding resources. The Division will identify Spanish and Hmong populations to be served and determine by location where bilingual staff resources need to be allocated.
 - **Special Assistance**
 - **Wisconsin Coalition for Linguistic Access to Health Care:** DWD maintains representation in the Wisconsin Coalition for Linguistic Access to Health Care. In order for workers to participate in the employment opportunities of the state, they must be able to address health care issues. Efforts to create a certification program for qualified language interpreters for medical situations may contribute to the broader availability of trained language interpreters who are culturally and linguistically competent.
 - **Special Hmong Refugee Resettlement Support:** Special service support actions have been implemented to better serve over 3,200 Hmong refugees scheduled for resettlement from the Wat Thamkrobok site in Thailand to Wisconsin by the US State Department. Special coordination by DWS was established with the Voluntary Agencies of Resettlement (VOLAGs), community based organizations, including Mutual Assistance Associations (MAAs), and the DWS W-2 agencies. Also, DWD has twenty-one contracts with the local Public Health Department to provide health screening services for newly arrived refugees. All services provided to these refugees are linguistically appropriate and cultural competent. In addition, the Governor's office created a Special Advisory Hmong Resettlement Task Force to provide advice to the Governor and DWD Secretary on matters relating to the resettlement. On February 23, 2005, the task force issued its final report to the Governor.
<http://dwd.wisconsin.gov/hrtf/default.htm>

C Contract Agency Civil Rights and LEP Compliance

Many DWS program services are delivered through contracts with local agencies rather than by division employees. DWS contracts and administrative requirements e.g. Admin Memo 04-02 require that agencies complete a Civil Rights Compliance Plan outlining their Equal Opportunity LEP and Complaint policies and procedures at the beginning of each contract period. Their plan includes an analysis of the contract agency's workforce and customer population and method for documenting services. DWS Civil Rights staff review local agencies' plans, work with agencies to address deficiencies, provide technical assistance and training to local agency program directors, Equal Opportunity Coordinators, LEP Coordinators, Complaint Coordinators and staff.

The current plan period is January 1, 2004 through December 31, 2006. Contract agencies have either submitted a completed Civil Rights Compliance Plan or appropriate letter of

assurance for the current period. Agencies are expected to prepare annual updates of their plans and keep them on-file locally in the event of an on-site monitoring visit.

D. Monitoring of Local Agency Civil Rights/LEP Compliance

DWS Civil Rights staff members are involved in both desk and on-site monitoring reviews of local agencies for compliance with Civil Rights and LEP requirements and in the resolution of complaints. In addition, DWS local contract managers also perform some monitoring functions. The information is shared between DWS contract managers and DWS Civil Rights staff to be sure that compliance concerns are addressed timely and appropriately. The Civil Rights/LEP Compliance Monitoring Plan is reviewed and updated annually, along with the monitoring tools and schedule.

E. Technical Assistance and Training

- **DWW/DWS Civil Rights and LEP Websites:** To assist customers, DWS contract/partner agencies and grantees, and Division staff, Civil Rights Compliance and LEP information websites have been created. A direct link to contract Civil Rights requirements plus LEP population demographic data for Wisconsin counties and LEP contract guidance can be found at website:
http://dwd.wisconsin.gov/dws/civil_rights/plans_instructions.htm.

A separate LEP information site can be found at:
<http://dwdworkweb/dws/lep/default.htm>.

In addition, a DWD Spanish language information site is being developed to assist that major Wisconsin language group in locating department and division information services. The draft homepage of this site can be found at: <http://dwdintaccpub/espanol/>

- **Interpreter Training:** The DWS Bureau of Migrant, Refugee, and Labor Service (BMRLS) is supportive of non-language specific interpreter training called “Bridging Cultural and Linguistic Barriers”, which is provided by the International Institute of Wisconsin. This is an intensive 10-hour seminar that provides interpreters an overview of the fundamentals of interpreting and the background to continue working and improving as a professional interpreter. This training is divided into three parts- Fundamentals of Interpretation, Interpretation in Health Care, and Interpretation in the Courtroom.
- **Training and Technical Assistance for Contract Agencies:** DWS Civil Rights staff, in collaboration with Civil Rights staff from the Department of Health and Family Services have developed and provided training for contract agency staff. The training course is intended for Agency Heads, Equal Opportunity Coordinators, Limited English Proficiency Coordinators, Affirmative Action Officers and Complaint Coordinators. The course covers the roles and responsibilities of the agency’s CRC lead staff, a review of the complaint process, and it covers the real life application of Civil Rights law by utilizing real complaint case studies.

A new element in 2006 will be the offering of this training via webcast along with resource materials on the Civil Rights web page. This will enable the training team to more effectively reach a broader audience than they have been able to in the past.

- **DWS Staff Training:** The DWS Civil Rights Workgroup has developed a Civil Rights training plan for all DWS staff. This training will be conducted by the DWS Civil Rights Compliance team and will be provided annually beginning in the Fall of 2005. Under this plan, training will be provided in a number of different formats (in person, via conference calls, and/or via computer) to minimize cost and to provide flexible scheduling for Division staff. The training will include the following:

- Technical training on how to respond to telephone or in-person inquiries from individuals who are not proficient in English by using a contracted telephone interpreter.
- Review of DWD policies that prohibit discrimination and harassment.
- What a contract manager needs to know to assure Civil Rights Compliance by agencies that contract with DWD.
- Cultural awareness to deepen understanding and appreciation of differences among people.
- Web based Civil Rights/LEP reference handout for Supervisors.

F Civil Rights and LEP Complaint Investigation and Processing

The Division has a complaint coordinator for civil rights and discrimination complaints regarding language access from applicants or recipients of DWS program services. The Affirmative Action Officer handles DWS employee complaints of discrimination. A coordinated complaint process has been developed and implemented in local Job Centers that support multiple DWS programs. An individual making the complaint may be applying for or receiving many services funded by different federal agencies. The goal is to make the process for filing a complaint straight forward and understandable, while preserving all of the avenues for remedy available to our customers.

VIII. DWS LEP Plan Dissemination, Revisions and Effective Dates

This plan will be shared with the DWS Management Team and responsibilities and expectations will be discussed. In addition, it will be posted on the DWS LEP web site and all division staff will be notified and encouraged to review the plan. A copy of the plan will be provided to federal funding agencies as appropriate.

This plan will be reviewed annually for needed revisions. The plan will remain in effect until modified by a new effective date.

IX. References:

U.S. Presidential Executive Order 13166 – Improving Access to Services for Persons with LEP

DWD Policy 417- Limited English Proficiency (LEP) Policy, Last Updated October 1, 2001

DWD/DWS Administrator's Memo (Admin Memo) 04-02, (Contract and Grant) Civil Rights Compliance Plan Requirements for January 2004 to December 2006
http://dwd.wisconsin.gov/dws/civil_rights/plans_instructions.htm

Civil Rights Act of 1964, as amended, Titles VI and VII

Civil Rights Compliance Plans 2004 – 2006, Attachment 3 “How to file an employment or service delivery discrimination complaint”
http://dwd.wisconsin.gov/dws/civil_rights/plans_instructions.htm

Operations Memo 04-05 - "W-2 Agency Use of DWS Displacement Grievance Procedures" located at DWS website: <http://www.dhfs.wisconsin.gov/em/ops-memos/2004/pdf/04-05.pdf>

Administrator's Memo 03-33 - "Displacement of Regular Employees by W-2, WtW, and WIA Participants-Grievance Policies and Procedures" located at DWS website: <http://dwd.wisconsin.gov/dws/adminmemos/pdf/2003/03033.pdf>

Workforce Programs Guide; Part 1- Administration of Workforce Programs, Section III,
Item S - Complaints /Grievances and Appeals located at DWS Website:
http://dwd.wisconsin.gov/dws/manuals/workforce/PART%201/Part1_Adm.pdf

Translation service bulletins, <http://dwdworkweb/asdproc/procmanual/014.htm>